

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DARYL K. GISSER,

Plaintiff,

-against-

WILLOW COVE MARINA, INC., and  
STONY POINT BAY MARINA, INC.,

Defendants.

Civ. Action No.: 08 CV <sup>1343</sup>~~10373~~ (CLB)

~~PROPOSED~~ ORDER OF REMAND

A Complaint having been filed in New York State Supreme Court, Rockland County, bearing index number, 00141/08, on or about January 8, 2008, by the above named Plaintiff Daryl K. Gisser for disputes arising from alleged damage to his boat;

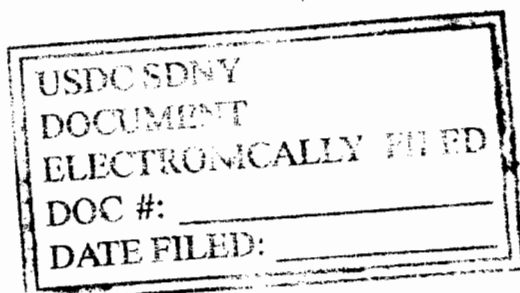
AND this case having been removed to United States District Court for the Southern District of New York by the filing of a Notice of Removal by Defendant Willow Cove Marina, Inc. on February 11, 2008;

NOW, on consent and stipulation of all parties, it is hereby:

**ORDERED** that this matter is remanded in its entirety to New York State Supreme Court, Rockland County, bearing index number 00141/08, and the Clerk is hereby directed to mail a certified copy of this Order of Remand to the Clerk of the New York State Supreme Court, Rockland County.

Dated: White Plains, New York

March 7, 2008



*Charles P. Bryant*  
U.S.D.J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Civ. Action No.: 08 CV 01343 (CLB)

DARYL K. GISSER,

STIPULATION OF REMAND  
*2 over*

Plaintiff,

-against-

WILLOW COVE MARINA, INC., and  
STONY POINT BAY MARINA, INC.,

Defendants,

THE PARTIES HEREBY STIPULATE to remand this case to the Supreme Court of the State of New York, County of Rockland, under Index Number 00141/08, and administratively close this matter.

FERRICK LYNCH MACCARTNEY LLC  
Attorneys for Plaintiff  
Daryl K. Gisser

RUBIN, FIORELLA & FRIEDMAN LLP  
Attorneys for Defendant  
Willow Cove Marina, Inc.

By: 

J. David MacCartney  
96 South Broadway  
South Nyack, New York 10960  
(845) 353-2000

By: 

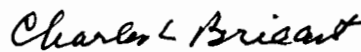
Yoon-Si Han  
292 Madison Avenue, 11<sup>th</sup> Floor  
New York, New York 10017  
(212) 953-2381

NICOLETTI HORNIG & SWEENEY  
Attorneys for Defendant  
Stony Point Bay Marina, Inc.

By: 

Guernic S.D.L. Russell  
88 Pine Street  
New York, NY 10005-1801  
(212) 220-3830

SO ORDERED: March 7, 2008

  
U.S.D.J.

**RUBIN, FIORELLA & FRIEDMAN LLP**

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March 6, 2008

**Via Fax (914) 390-4085**

Honorable Charles L. Brieant  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601-4150

**Re: *Gisser v. Willow Cove Marina*  
S.D.N.Y. 08-cv-1343 (CLB)**

Dear Hon. Judge Brieant:

This firm represents Willow Cover Marina, Inc. in this marine property damage dispute brought by plaintiff Daryl K. Gisser.

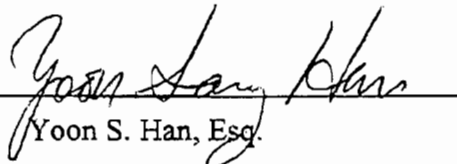
Plaintiff commenced the above referenced action in New York State Supreme Court, Rockland County, on or about January 8, 2008. Subsequently, we filed a Notice of Removal on February 11, 2008. Plaintiff has objected to the removal. We have consented to remanding the case to State Court.

We are enclosing the Stipulation of Remand and Proposed Order of Remand. Since the parties consent to voluntary remand to state court, we respectfully request that the Court grant the Proposed Order of Remand and So Order the Stipulation of Remand.

Respectfully,

RUBIN, FIORELLA & FRIEDMAN LLP

By

  
Yoon S. Han, Esq.

YSH/ms